

A robotic arm, resembling a mechanical gripper, holds a large, solid black letter 'F' in the center of the frame. Below the 'F' is a chessboard with several chess pieces, including a king, a queen, and a pawn. The background is a blurred chessboard. The entire image has a dark, monochromatic blue-grey tint.


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INTRODUCTION

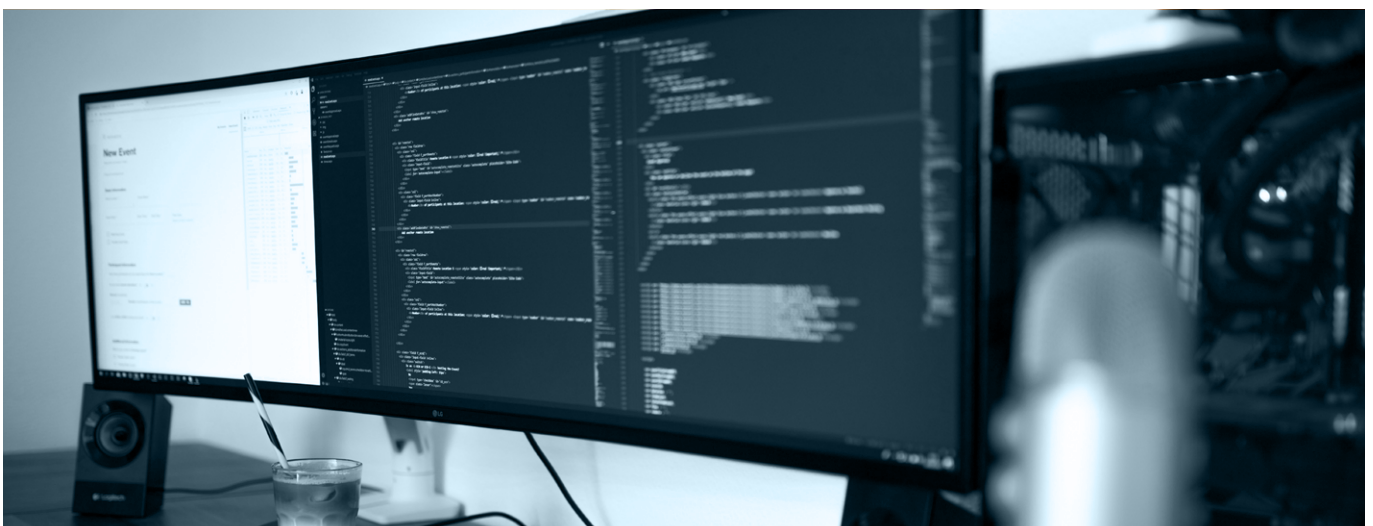
In this edition of the Cybernews Newsletter, we highlight the main news that permeated the digital and data protection landscape in the months of April and May 2024.

Big Techs such as Microsoft, Amazon, and Alphabet (Google) have invested heavily in cloud computing in the first quarter of this year, which has caused financial analysts to have positive expectations about the willingness to invest in the use of generative artificial intelligence (AI).

A proposal for international regulation on the use of generative AI was made by the prime minister of Japan at the Economic Cooperation and Development (OECD) event, held in Paris. In addition to Japan's contribution to the technology, Brazil's performance was also highlighted in a recent

OECD report, due to the use of Artificial Intelligence by the Brazilian Office of the Controller General (CGU) to facilitate public access to information and its reports.

In the national context, the states of Bahia and Piauí have invested in the use of AI to gain efficiency in processes. The Bahia State Regional Court (TRE-BA) will use AI to fight fake news and misinformation in the 2024 municipal elections. The court has a specific department to deal with fake news created by AI, has its own robot and is investing in educational lectures on the subject at court schools in the state. The state of Piauí, by means of Law No. 8,369/2024, created the Secretariat of Artificial Intelligence and Digital Economy, becoming the first state to have a top secretariat focused on AI.



The Brazilian Data Protection Authority (ANPD) approved the Security Incident Reporting Regulation (RCIS in Portuguese), aiming to strengthen data protection in Brazil and ensure that controllers will properly notify data subjects in case of incidents. It also applied penalties to the Welfare Department for violations of LGPD, demonstrating a firm stance on compliance with the legislation.

Meanwhile, Public Prosecutors' Offices in several states have implemented restrictions on access to public servers' data, raising debates about privacy and transparency. In addition, leaders of the supreme courts from the G20 countries met to discuss the risks and benefits of artificial intelligence (AI) in the judiciary system.

At the court level, the Supreme Court declared that providing registration and geolocation data is constitutional in cases of serious crimes, while São Paulo Court of Justice authorized a mother to access the digital data of her deceased daughter, recognizing digital assets as part of the succession.

We provide updates in the field of AI development over the world, including the types of technologies that have been receiving more investments, the actions that countries have taken to regulate this sector and how Brazil has incorporated these assets.



BRAZILIAN LEGISLATION

ANPD approves Security Incident Reporting Regulation

On April 26, 2024, the Brazilian Data Protection Authority (ANPD) announced Resolution 15/2024, introducing the Security Incident Reporting Regulation (RCIS). This regulation aims to reduce damage caused by incidents, ensure accountability, promote good security practices, and strengthen data protection in Brazil.

According to the RCIS, controllers must inform ANPD and data subjects of incidents that may affect their fundamental rights or sensitive data, financial data, data on minors,

among others. The regulation also sets out the deadlines for controllers to communicate and what information must be submitted, including the obligation to keep records for at least five years.

This measure strengthens the rights of data subjects, in line with the Brazilian General Law on Data Protection (LGPD)'s principles of transparency, and guarantees clear information about incidents involving their personal data.

Public prosecutors' offices impose restrictions on access to public servants' data

The Public Prosecutors' Offices (MPs in Portuguese) of Rio de Janeiro, Acre, Mato Grosso, and Pernambuco have implemented measures requiring personal documents from those who access information such as paychecks from prosecutors, in order to identify users. This action raises concerns about possible violations of privacy and

undue monitoring of data by the Public Prosecutors' Offices, according to public transparency experts.

The MPs justify that they are following legislation and resolutions of the National Council of Prosecution Offices (CNMP in Portuguese) to protect the data of prosecutors.

In some cases, such as in Mato Grosso and Pernambuco, it is necessary to provide CPF (Individual Taxpayer Register), telephone number, e-mail address and full name to access the salaries of public servants. In Rio de Janeiro, full name, date of birth and e-mail are required, while in Acre, CPF is mandatory.

Meanwhile, in some states, such as Rio Grande do Sul, Santa Catarina and Mato Grosso do Sul, MPs do not disclose the names of prosecutors and public servants linked to salaries, even though this has been a requirement of CNMP since 2019.

The Forum for the Right of Access to Public Information has warned about the risks of these restrictions, pointing out that the requirement for prior identification does not offer additional protection to members of the Public Prosecutor's Office and could discourage transparency. Counselor Rodrigo Badaró proposed the exclusion of this requirement, but there is still no forecast for when CNMP will assess his proposal. On the other hand, CNMP ensures that this measure does not pose obstacles to information access, as the information is still available to any citizen, as determined by the Access to Information Act.

Welfare Secretariat of the State of Pernambuco is sanctioned by ANPD for violating LGPD

On April 25, the Federal Official Journal published Decision Order No. 11/2024/FIS/CGF, originated from Sanctioning Administrative Proceeding 00261.001963/2022-73, issuing two warnings to the Secretariat of Welfare, Fight against Hunger and Drug Policies in the State of Pernambuco (SAS), for violations of articles 48 and 49 of LGPD.

The corrective measures, decided by ANPD's General Inspection Coordinator after evaluating Instruction Report No. 3/2024/FIS/CGF/ANPD, include individual communication about the security incident to the affected data subjects and updating the institutional website so that it includes the record of the security incident, as well as adopting security technical measures. The Welfare Secretariat

has been given 10 working days to comply with the sanctions or contest them. Failure to comply may result in administrative measures by the Office of the Controller General of the state of Pernambuco.





G20 judges debate risks and benefits of Artificial Intelligence in the judiciary system

At the G20 meeting held on May 14, 2024, presidents and representatives of the supreme courts of the G20 countries discussed the potential risks and benefits of artificial intelligence (AI) in the judiciary system. The event, hosted by the president of Brazil's Supreme Court (STF), Luís Roberto Barroso, explored how technology can transform the judicial process, from automating court decisions to researching precedents.

Barroso highlighted the hope that AI could, in the future, assist in drafting court decisions, always under human supervision, to avoid political influences and prejudices, which are also common in human decisions. He pointed out that AI, although devoid of conscience and emotions, depends on human intelligence feeding it and can therefore reflect prejudices present in society.

The event was also attended by Nuno Piçarra, a justice at the Court of Justice of the European Union, who pointed out the limits of using AI, such as creating non-existent terms or presenting unrealistic cases. Piçarra emphasized the need for final human supervision to guarantee the ethical enforcement of the law.

Barroso and Piçarra agreed on the importance of clear regulations for the use of AI in the judiciary system, highlighting the proactive role of courts in preventing harm and the need for a robust legal framework. Piçarra also defended the creation of mechanisms to limit the spreading of fake news, which threatens democracy and the judiciary system.

At the end of the meeting, Barroso reinforced the need for platforms to help fight fake news, warning about the risk of a “decline in the civilization process” without these measures.

Piauí sanctions law that creates Secretariat of AI

Governor Rafael Fonteles has recently sanctioned a law that creates the Secretariat of Artificial Intelligence, Digital Economy, Science, Technology, and Innovation in Piauí. This new secretariat, focused on AI, is the first of its kind in the country and the result of the splitting of the Superintendence of Digital Transformation and the Secretariat of Planning. The governor views this as an “elevation of status” for the area of Artificial Intelligence.

The primary objective of creating this secretariat is to stimulate innovation and entrepreneurship in the field of AI, with a focus on addressing local challenges through AI, as well as using this technology to streamline public service bureaucracy.

The new Secretariat will also be part of the State’s Council for Digital Transformation, Digital Economy, Artificial Intelligence, and Innovation, ensuring participation in the body that deliberates and supervises the state’s government digitization processes.

The current superintendent of Digital Transformation, André Macedo, is expected to assume the position of secretary, although the specific actions of the new Secretariat have not yet been disclosed. The creation of the Secretariat of Artificial Intelligence is a significant step towards promoting innovation in Piauí and is expected to serve as a model for other states in the country to follow.

2024 elections: use of AI by Regional Electoral Court of Bahia

Appellate judge Abelardo Paulo da Matta Neto, who became the President of the Regional Electoral Court of Bahia (TRE-BA), already uses AI for his strategies in this year’s municipal elections. In an interview for the website “Muita Informação!,” the judge said that the main focus of TRE-BA should be the use of AI in the elections. To this end, the Electoral Court created a specific advisory team to fight AI-generated fake news during the election period.

The Regional Electoral Court of Bahia has made significant progress in the field of AI. The institution has introduced several AI-based

solutions, including Robot Maia and Robot Janus. The former is a chatbot that provides information on electoral justice, while the latter is a procedural automation technology that uses AI. Furthermore, TRE-BA has taken proactive measures to combat the spread of misinformation through the use of AI-based tools. These measures include organizing workshops, providing classes at the court school, and expanding debates on the topic throughout the state. This demonstrates TRE-BA’s commitment to leveraging technology to improve the quality and integrity of the electoral process.

INTERNATIONAL LANDSCAPE



Race for AI increases revenue and investments

Alphabet (Google), Amazon, and Microsoft registered a significant increase in their cloud computing revenue in the first quarter, which sparked optimism among financial analysts. Growing demand for cloud services has also led these companies to invest in data center infrastructure expansion, with an expected investment of US\$73.7 billion in the fourth

quarter, a figure that represents an annual increase of 16.3%, according to consulting firm Synergy Research.

This investment reflects the growing demand from clients of large technology companies to implement digitalization projects, especially those involving generative AI.

INTERNATIONAL LEGISLATION

Japan introduces international code of conduct on AI regulation

During a speech at the Organization for Economic Cooperation and Development (OECD), the prime minister of Japan, Fumio Kishida, proposed establishing international regulations for the use of generative AI. He highlighted the potential benefits of AI and the associated risks, such as the spread of misinformation. Japan has expressed its concerns about Google's potential anti-competitive practices in the search engine market, including restrictions that undermine fair competition in the advertising sector.

This regulatory effort follows Japan's leadership in an international process in Hiroshima in 2023 that aimed to develop principles and a code of conduct for AI. The initiative included 49 countries and regions. The prime minister highlighted that the group of voluntary countries will work towards implementing the principles and the code of conduct to address the risks of generative AI. The aim of this effort is to encourage and promote international cooperation to ensure the safe and reliable use of AI.

Japan's position on AI regulation is noteworthy, especially after its statements opposing copyright protection for AI training. The country's rationale prioritizes the advancement of AI studies and training over copyright protection in order to accelerate the growth of this technology in Japan.

Japan has been known for being innovative in the technology market. However, in the race for the development of AI, the country lags behind China and the United States. At the end of last year, technology company Nvidia announced a plan to help Japan with the construction of an AI research laboratory and investments in Japanese startups, seeking to boost the country with the development of a structured ecosystem related to AI.





OECD report highlights CGU's use of AI

The Brazilian Office of the Controller General (CGU in Portuguese) was mentioned in a report published by OECD on the use of AI in government-related matters. CGU uses an AI-based chat to facilitate access to information and reports, which improves the efficiency of services. In addition, the platform will be expanded to monitor auditors' recommendations and track the benefits of CGU's actions.

The report lists lessons to be learned from CGU's practices, such as integration of technology, scalability and preparation for the future, potential for standardized use of the tool, guaranteeing diverse use of the tool

through the multidisciplinary approach of the development group, guiding development by user feedback, among other practices listed in the [report](#).

Justice Vinícius de Carvalho and CGU's Secretary of Public Integrity, Izabella Correa, received the OECD's Director of Public Governance, Elsa Pilichowski, who praised Brazil's work in the fight against corruption. The Brazilian Accounting Court (TCU in Portuguese) also uses AI, the ChatTCU, for internal tasks, which has shown how much AI can improve the efficiency for auditors. TCU plans to expand the use of this technology to state accounting courts.

JUDICIARY

Federal Supreme Court finds it constitutional to provide registration and geolocation data without court authorization in cases of serious crime

The Federal Supreme Court (STF in Portuguese) unanimously ruled that norms under the Federal Rules of Criminal Procedure (CPP in Portuguese), which authorize police officers and members of the Public Prosecutor's Office to request subscriber data from cell phone operators, even without court authorization, are constitutional. This data is intended exclusively for investigations into serious crimes, such as false imprisonment, human trafficking, and kidnapping.

The discussion took place in the Direct Action for the Declaration of Unconstitutionality (ADI) 5642, filed by the National Association of Cell Phone Operators (Acel) against a section of Law No. 13,344/2016, which included Articles 13-A and 13-B of the Federal Rules of Criminal Procedure (CPP). The association claimed that the law violates the privacy and secrecy of its members' communications and allows an interpretation that dismisses court authorization for the disclosure of location information for less than 30 days.

The Court validated art. 13-A of CPP that allows the request, upon court authorization,

to companies providing telecommunications and/or telematics services so that they can make available signals, information and other data that allow for locating the victim or suspects of these crimes.

The collective body also maintained the effectiveness of Art. 13-B of CPP that authorizes competent authorities to directly request data from companies if the court authorization is not issued within 12 hours. However, for periods of more than 30 days, a court order is mandatory.

The opinion of the rapporteur, justice Edson Fachin, prevailed: the questioned rules respect constitutional limits by referring only to data that assists investigations into serious crimes, with specific control and restrictions.





São Paulo Court of Justice authorizes mother to access digital data of deceased daughter

The 3rd Chamber of Private Law of São Paulo Court of Justice (TJ/SP in Portuguese) ruled in favor of a mother who sought access to the digital data, such as pictures and videos, on her deceased daughter's cell phone. The court ordered Apple Brazil to transfer the device's Apple ID, recognizing that the digital assets of a deceased person can be part of the estate and passed on as part of the succession.

After her daughter's death, the mother requested that the cell phone be unlocked, arguing that she was the sole heir and entitled to the assets left by the girl, including the device's digital collection.

Initially, Apple claimed that the unlocking of an iOS device and access to the account was not under its control or that of a third party,

but rather under the user's control. Therefore, it would be necessary to provide plaintiff with access to the deceased's Apple ID for her to retrieve personal data stored in the cloud.

The lower court judge dismissed the mother's claim, considering the deceased's rights to intimacy and privacy. However, on appeal, the judge rapporteur pointed out that a deceased person's digital assets can form part of the estate and be subject to succession.

The appellate judge also pointed out that there is no justification for denying access to the deceased daughter's data to her sole heir, especially since Apple did not object to the transfer of access to the account, as long as there was a court decision to that effect.



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